

## **NBPCA Files Comment Letter with NY Workers Compensation Board**

4/10/2017

Dear NBPCA Members –

Last Friday, the NBPCA filed a comment letter with the New York State Workers' Compensation Board ("Workers' Compensation Board") responding to the agency's proposed rule (the "Proposed Rule") to regulate [Paid Family Leave](#), which includes language to regulate debit cards. The debit card provisions in the Proposed Rule are substantially similar to the New York Department of Labor's ("NY DOL") treatment of payroll debit cards under the [final rule](#) on the methods and payment of wages ("NY DOL Final Rule").

The NBPCA's comment letter urges the Workers' Compensation Board to revise its Proposed Rule to remove the contemplated requirements for debit cards because such requirements are impractical and are likely to harm employees by causing debit card providers and carriers to stop offering these products in New York. In its comment letter to the Workers' Compensation Board, the NBPCA also shared copies the comment letters it provided to the NY DOL regarding the NY DOL Final Rule as most of the requirements included in the Proposed Rule are substantially similar to the requirements in the NY DOL Final Rule. In fact, two particular areas of concern discussed in the NBPCA comment letter were the NY DOL Final Rule's requirements with respect to local ATM access and significant fee restrictions.

Finally, our comment letter makes the Workers' Compensation Board aware of the fact that the New York Industrial Board of Appeals (the "Industrial Board") struck down the NY DOL's Final Rule on [Feb. 16, 2017](#), nine days after the Feb. 7 deadline for the Workers' Compensation Board to submit the Proposed Rule to the New York State Register in order for it to appear in the Feb. 22 publication. Our comment letter also highlights the Industrial Board's determination that the NY DOL exceeded its authority by imposing requirements outside of its area of competence and expertise by attempting to regulate banking services.

The NBPCA thanks the members of the Payroll Card Working Group for their comments and feedback during the comment letter development process. If you have any questions regarding the Proposed Rule or NBPCA's filed comments, please do not hesitate to contact [Eli Rosenberg](#), [Brian Tate](#) or [Brad Fauss](#).

Sincerely,

The NBPCA Staff